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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTÓRNEY DOCKET NO.	CONFIRMATION NO.	
09/775,856 02/01/2001		Thomas William Rademacher	1012E-909701US	8419	
75	90 09/27/2002				
Emily M. Haliday			EXAMINER		
Skjerven Morrill MacPherson LLP Suite 700			DELACROIX MUIRHEI, CYBILLE		
25 Metro Drive			ART UNIT	ART UNIT PAPER NUMBER	
San Jose, CA 95110				FAFER NUMBER	
			1614		

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Application No.   Application No.   Application (Processing Control of Processing Control of							
Examiner Cyblille Delacroix-Mulriheid 1514  The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OT THIS COMMUNICATION Examinator of tensing by a realishing under the provisional of 3°C FR 1.138(a), in an event, however, may a reply be timely filled If NO period for may by a realishing under the provisional of 3°C FR 1.138(a), in an event, however, may a reply be timely filled If NO period for may by a serial beaution. The manufacture of the communication of the period of the communication of the period of the peri	li .	Application No.	Applicant(s)				
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- The MALING DATE of this communication appears on the cover sheet with the correspondence address ¬ Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Estambard of time may be available under the prositions of 3 CFR 1.136(a). In no event, however, may a reply be timely flied  Estambard of time may be available under the prositions of 3 CFR 1.136(a). In no event, however, may a reply be timely flied  If the period for reply specified above is less than lifting (30) days, a may be used to the prosition of the period for reply specified shows, the maximum statutory period vall pages and will applied. Who Pith is from the rating date of the communication.  If the period for reply specified above is less than lifting (30) days, a may be used of the communication.  If the period for reply specified above is less than lifting (30) days, and period of the communication of the period of the communication.  If the period for reply specified and the period of the communication is the period of the communication.  A prophy reply received by the Office later from from entitles after the militing each of this communication.  Province the period of the communication is considered from the militing each of the communication.  A prophy reply received to province the application of the communication is considered in a considered from the militing date of the communication.  Status  This action is FINAL.  2b) This action is non-final.  3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Experte Quayfe, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4 Silver this accordance with the practice under Experte Quayfe, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4 Silver this accordance with the practice under Experte Quayfe, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  5 Claim(s) 1.2 (silver period the priod the priod the priod th	Office Action Summary	Examiner	Art Unit				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION.  after SIX (6) MONTHS from the mailing date of this communication.  If the pariod crossly specified above, the mosterum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  If the pariod crossly specified above, the mosterum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  If the pariod crossly specified above, the mosterum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  Any mayly received by the Official set fright three months deth the hamiling date of this communication, even if threely field, may reduce any seared plates term adjustment. See 37 CFR 1.794(b).  Status  1) Responsive to communication(s) filled on		1					
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1   Responsive to communication(s) filed on	<ul> <li>THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.1: after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statute.</li> <li>Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>	36(a). In no event, however, may a reply be tir within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed rs will be considered timely. the mailing date of this communication. ED (35 U.S.C. § 133).				
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Application/Control Number: 09/775,856

Art Unit: 1614

## **DETAILED ACTION**

Due to the complex nature of the claims, no request for an oral election is being made. Please see MPEP 812.01

## Election/Restriction

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-2, 4-12, 14-20, drawn to a monoclonal antibody, pharmaceutical
     compositions thereof and immunoassays, classified in class 424, subclass 180.1+.
  - II. Claims 3, 13, drawn to hybridomas, classified in class 435, subclass 325+.
- 2. The inventions are distinct, each from the other because of the following reasons: Groups I and II are patentably distinct because Group I is drawn to monoclonal antibodies, compositions thereof and immunoassays using the claimed monoclonal antibody. Group II is drawn to hybridomas which are capable of producing the claimed monoclonal antibody. Groups I and II are structurally distinct inventions and the search for one is not required for the other.

  Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the

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inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

currently named inventors is no longer an inventor of at least one claim remaining in the

application. Any amendment of inventorship must be accompanied by a request under 37

CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Cybille Delacroix-Muirheid whose telephone number is (703)

306-3227. The examiner can normally be reached on Tue-Fri from 8:30 to 6:00. The examiner

can also be reached on alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Marianne Seidel, can be reached on (703) 308-4725. The fax phone number for this

Group is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Group receptionist whose telephone number is (703) 308-1235.

Sep. 26, 2002